

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-00841-SEB-MJD</u>
)	
v.)	
)	
TOBY REEVES, HAOJIE WANG, DANIEL)	
WATT, CAMERON GAFF, GIANCARLO)	
DI MIZIO JR., SEAN MANGYIK,)	
KRISTINE EIKENBERG, RAMAKANT)	
MAMIDIDODDI, LEONARDO ALDANA,)	
WILLIAM MEEKS SR. and JOHN DOES)	
2, 3, 4, 5, 6, 10, 12, 13, 22 and 23,)	
)	
Defendants.)	
)	

**PLAINTIFF’S AMENDED OPPOSITION TO DEFENDANT’S MOTION
FOR AN ORDER TO SHOW CAUSE [CM/ECF 166]**

On August 8, 2013, Plaintiff filed its Opposition to Defendant’s Motion For an Order to Show Cause (the “Opposition”) stating that “Undersigned sent Defendant a copy of the Motion for Clerk’s Entry of Default [CM/ECF 158] on June 27, 2013 via first class mail,” and had therefore complied with the Court’s prior order requiring Plaintiff to serve *pro se* defendants with all filings. *See* CM/ECF 167. Plaintiff attempted to serve a copy of the Opposition on Defendant Haojie Wang at the address given by the Court in its Order of May 21, 2013: Haojie Wang, 1117 Anthrop Ar. Apt. 2, West Lafayette, IN 47906. *See* CM/ECF 158, at p. 2. Based upon Defendant, Haojie Wang’s prior denial that he was served, undersigned counsel attempted to serve Defendant with the Opposition via UPS, instead of USPS first class mail. UPS sent undersigned an error message, stating that Defendant’s address was invalid. *See Exhibit A*. A similar error message is generated by the US Postal Service indicating that the address on file with the court is not a valid address. *See Exhibit B*. The correct address is “1117 Anthrop

Drive” and not “1117 Anthrop Ar.” This error explains why Defendant Haojie Wang did not receive a copy of Plaintiff’s Motion for Clerk’s Entry of Default [CM/ECF 158]. Undersigned has served the Opposition on Defendant Haojie Wang at the correct address of 1117 Anthrop Drive.¹

Finally, undersigned notes that the certificate of service on the Opposition states that Defendant was served via Federal Express on August 8, 2013 (when the Opposition was electronically filed). Based upon the address error and its discovery, the foregoing documents were served via UPS 2nd Day Air, on August 9, 2013. Undersigned apologizes for any inconvenience or confusion this may have caused.

Dated: August 13, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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¹ Undersigned counsel received an e-mail today from UPS stating that an initial attempt to deliver the Opposition to Defendant failed and that Defendant may retrieve the package at his convenience from a UPS facility. See **Exhibit C**.

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system. I also hereby certify that on August 13, 2013, pursuant to this Court's order dated May 21, 2013 [CM/ECF 158], I served copies of all of Plaintiff's filings via UPS 2nd Day Air on pro se Defendant Haojie Wang, 1117 Anthrop Drive Apt 2, West Lafayette, IN 47906.

By: /s/ Paul J. Nicoletti